



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

of the "congressional" for the "presidential" policy of reconstruction; the relation of the military to the civil authorities; the admission of the freedmen to the electorate; the readmission of the state to the Union under humiliating conditions; the subjection of the state to government by "carpet-baggers," "scalawags," and freedmen; and the "revolution of 1875," leading to the expulsion of the carpet-bagger, the rejection of the scalawag, and the relegation of the freedmen to a subordinate position in the political life of the state.

Economically, the situation was scarcely less dramatic. Its important elements were the destruction of all material forms of wealth by the ravages of war; the destruction of labor force through the effects of military service on both races and of emancipation on the colored man; the enormous burden of taxation laid by the Federal Government and the extravagant administration of state authorities; and the readjustment of the labor system growing out of the substitution of free for slave labor. Each of these items receives intelligent treatment.

For the student of general social development, the chapters devoted to "Educational Reconstruction" (X), the "Kuklux Disturbances" (IX), and the "Freedmen's Bureau" (IV) will have a special interest.

The excellent construction of the volume from a mechanical point of view may well be noticed. The main discussion shows an admirable self-restraint; while the multitude of footnotes and references not only indicate the thoroughness with which the sources of information have been utilized, but add information of a social, personal, and local character, such as to illumine the subject and intensify the interest of the matter presented.

S. P. B.

Beiträge zur Geschichte des Judenrechts im Mittelalter (mit besonderer Bedachtnahme auf die Länder der österreichisch-ungarischen Monarchie). Band I. *Die Rechtsverhältnisse der Juden in den deutsch-österreichischen Ländern.* By DR. J. B. SCHERER. Leipzig: Duncker & Humblot, 1901. 8vo, pp. xi+671.

THE present volume begins with a lengthy introduction wherein are discussed the principles which during the middle ages governed general European legislation about the Jews. The author then goes on to his chief subject, the legal conditions of the Jews in Upper and Lower Austria, and to this he finally attaches a survey of their situation as well in Styria, Carenthia, and neighboring provinces under the

Austrian crown. The book is written with no attempt to narrate pleasantly or to show any "style;" it is rather a summary of laws passed upon the relations between Jews and Christians, with short explanations or remarks as the subject may demand. The large material, however, faithfully recorded makes it a very useful volume to the student of mediæval conditions, and the laws in their graphic sternness are really narrative enough. They stand out as sinister mileposts on the long and stony road of the unhappy foreigner and stubborn denier of the divinity of Christ. The book, of course, mainly treats the political situation of the Jew, but interwoven with this are enough of instances which throw light upon his place as an economic factor. This was a phase of no mean importance, since it was his fate to introduce among a stupid and backward population methods that were far beyond their appreciation and must necessarily have clashed with their primitive notions and undeveloped practices, based as these were entirely upon husbandry and natural economy, with no conception whatever of large industries or rapid exchange. The political situation of the Jew is copiously illustrated by reference to the royal letters and privileges and to the decrees of the church councils, which together picture the basis on which the life of the Jew in European society was founded, a basis barren enough of security, and allowing mostly only a life passed in suspense; the economic situation, of course, is largely an outcome of the political.

The Jew as a money agent, his precarious existence as an object of constant greed and hatred because of his exclusiveness, the mystery which surrounded his actions, since no one could follow or understand his dealings with his brethren in the true faith, dealings so full of absolute trust and solidarity of interests that large sums were conjured into light upon a mere signature, and therefore, as the outsider argued, dangerous because so deep was the conspiracy and so great and unclean was the wealth—all this is only too well known and need not be repeated. It is of far greater consequence to retrace to its source, as the author does in his introduction, the aversion against the Jew and thence the progress of the ill will and the repressive measures until the Jew is finally driven out as an unbearable evil to the society in which he has but been endured. The author here distinguishes between the two leading principles in the legislation against the Jew:

1. The principle inherited from Christian Rome, where the Jew is looked upon as a non-believer, hostile to the ruling religion, and

against whose influence the state must be protected. This principle penetrates to the Germanic empires founded upon Rome, and finds its strongest manifestation in the laws of the Catholic Church, causing not a little of that suspicious hatred and constant exposure to persecution on account of the faith from which the Jew suffers during the whole mediæval period and down to our days. The antagonism of the ruling church is probably nowhere shown so distinctly as in the novella by Justinian, where the Jew is deprived of civic honor and yet made to contribute to the maintenance of the state (p. 19). The Byzantine Empire is conspicuous for its intolerance. Constantine V., Porphyrogenitos, for example, prescribed as a fitting humiliation for the Jew the following oath, which became the model of similar ceremonies in mediæval court proceedings:

The Jew shall girdle himself with thorns, hold the roll of the law in his hand, and say: By the Lord, praised be he, the God of our fathers, who created heaven and earth, and brought us to the Land through the Red Sea, I speak true. But should I be found to have lied, may the Lord give me the leprosy of Giezi and Naaman and the curse of the priest Eli, and may the earth open her mouth and swallow me alive as she did Dathan and Abiron.

2. The other equally important principle is based on the view that the Jew, wherever he stays, is a foreigner, and as such he is to be treated as an outlaw, subject to any outrage; a view thoroughly in keeping with the narrow tribal conception of freedom and rights which characterizes primitive society and was inherent in Germanic tribal law. According to this the man of foreign blood whose law and homestead was not known fell a victim to the superior rights of the one who first met him and succeeded in capturing him. The only way for the stranger to escape was to appeal to one still stronger, to the lord of the country, and give himself entirely into his power. The most satisfactory protector was of course the king, into whose power any homeless or lordless man or beast who trespassed upon forest, waterways or highways must ultimately fall, and who would be less likely than any other to seize at once upon the belongings of the stranger or take his life. All the indignities to which the Jews have been subjected are in a large measure due to this view of the stranger as the lawful prey which is so characteristic of a period when the protective power of the state is only in name territorial, while in fact all tribal or provincial law is wholly personal. Thus put between two extremes—the abhorrence of the church for his religion and the

hostility of the tribal law to his nationality—the Jew could only make himself endurable by his capacity for business, which opened up the vista of profit, of economic advantage to the king in return for any help he might accord him. It was a prospect which even persuaded the king to safeguard the Jew against attacks from the church or from popular prejudice, and in return he appropriated the new acquisition for his own particular purposes. At a very early period the Jews were made the slaves of the fisc, their persons and goods to be disposed of at the king's pleasure. As their usefulness depended largely upon their freedom to trade, this freedom was granted them, but they were at the same time made to pay heavily for the privilege. As early as Louis the Pious they were expected to perform certain services to the palace and to contribute yearly in goods and money to the royal treasury (p. 67). In legal procedure they were punished like unfree. But the Jews were intrepid and necessary as peddlers, as traders, intermediaries between the Orient and the Occident. They established themselves at the marts and fairs connected with the royal palaces or the river cities. The slave trade was in their hands. Until the seventh century the Syrians had governed the trade with the West, but for natural reasons the Jews stepped in their place. With wares on their back or treasure concealed on their person they followed, as in the far past the Roman merchant had done, in the wake of the army or the raiding band and reached the inland districts, offering desirable trifles or the far greater treasure of the incomparable arms or the splendid stuffs which the superior skill of the East had manufactured. The Jews succeeded only with indescribable toil in making personal profit out of their bartering, and if any mishap occurred and they sought royal help, the king might seize upon all they had won as his lawful return. They are henceforth most intimately associated with the financial system as the king's bondservants, whose movements he could limit and confine to the place of the original settlement, penned up in some convenient locality, to be sold or transferred as other property, and prevented under penalty and fine from making the least change of domicile. This was particularly the case after their number increased and, the local trade by degrees falling into the hands of natives, they became more and more restricted to the handling of money and lending it on interest. This specialty is the Jews' dire calamity. In an age when ready money was a rarity and the price of it accordingly extraordinary, the obligation to pay beyond

the original amount ended often in the insolvency of the debtor and the Jew taking possession of his goods. The necessity of charging interest, however, was looked upon as a wicked practice which the church forbade. And the claim which the Jew had might not be realized if the king or the prince, upon the presentation of the defaulting party, took upon himself to annul the whole matter. The Jew might be glad if, as the least punishment, he had not to pay heavily in order not to lose all he had.

In the question how the king lived, how he scraped together some income in spite of rapacious vassals and how in an emergency he succeeded in having large sums at his command, the Jew figures as the secret: Open sesame. He was liable to be delivered of large sums at short intervals, often under additional pressure of moral or physical torture; for by natural inclination he often denied that he had anything at all to contribute. Whenever the king's financial condition necessitated it, he was likely to borrow from some trusted Jewish banker with fair promises of repaying, and what he did not get at once he could get after a while by the mere threat of driving the Jew from the country. The best known cases are the forced payments under Richard the Lionheart, John Lackland and the always needy Henry III. (page 90). The sums thus pressed from the despairing Jews surpass even the imagination of their wealth at a time when money was doubly scarce. And yet not even the Christian states or the Christian church in their attempt to put the Jew morally and economically on the rack invented the most oppressive and dangerous mark of their degraded position. It was Islâm, the supposed tolerant Islâm, which decreed that the Jew should be characterized by his clothing and other signs as an unbeliever and an alien (p. 31), and it is from Islâm, Scherer thinks, that the famous council of 1215 under the auspices of Innocent III. borrowed its idea of ordering the same thing for all Christian countries (p. 42)—a demand which singled the Jews out for persecution and made it impossible for them to mingle or even to come to any cordial terms with the population. They were henceforth reduced to the narrow circle which their belief, their character, and their occupation created, without any promise of ever breaking through it. The fury of ignorance which so often characterized the Catholic Church caused the popes repeatedly to order the confiscation of their sacred books, particularly the Talmud, at times when the congregation was worshiping in the synagogue. That the Jew grew desperate and became more unscrupulous

than ever in the pursuit of riches cannot be surprising, taxes and dues growing apace with the politically hopeless situation. Finally, however, the constant admonitions of the popes to the Christian kings to deliver their peoples of this pest bore its belated fruit, and in spite of the piteous pleadings of the Jews, their property and claims being confiscated, they were expelled from England in 1290, from France in 1393, and during the fifteenth century from the remaining European countries except Germany and Italy. In Germany the always bankrupt emperor could not dispense with this faithful financial milchcow, except where it had been granted away with other privileges to princes, prelates and free cities. Aside from occasional outbreaks of fanaticism, the Jews were there left generally undisturbed, their life, however, being no sinecure.

In the part of the book dealing with Austria, which is by all means the longer, the author goes into details that concern chiefly the political status of the Jew. The pro-Habsburg period was rather favorable to the Jews and they contributed materially towards making Vienna a commercial center for southeast Germany. The magnificent waterway of the Danube and the midway position of the city made it an ideal staple market for the products from the East and the West (p. 123). But later the Jews had to yield in their competition with native traders and became bankers. Their real hardships began after the establishment of the Habsburg dynasty. The terrors of the Black-Death having made the ignorant people believe the Jews were the secret instigators of the plague, they suffered exceedingly from popular fury (p. 369). In a decree of 1544 they were accused of theft, of usury, of possible underhand dealings with the dreaded Turks and were expelled from the country (p. 450); but inasmuch as they had already repeatedly been expelled and had been allowed to stay some years longer, we do not know from what the author says that this decree was really final in its effects.

If, as history seems to show, a Nemesis slowly but surely visits the evils perpetrated upon the perpetrators, the day of reckoning after so great and bitter wrongs must be very heavy indeed. Whatever their faults were, the Jews seem to be more sinned against than sinning. To the student of civilization, they appear to have suffered the fate of those more capable in mind, but deficient in brute force. That they survived is the most extraordinary instance of the power of endurance given a race or a small nation by its superior intellect and moral

earnestness. Baffled in their struggle to secure better conditions by mere industry, they developed a dogged determination born of despair to hold out, a determination such as the lone martyrdom of a superior race, peculiar in its ideals, exclusive in its devotion, sometimes reaches. The author gives in his preface an account of his object in publishing his book, namely, that material hitherto unexplored will henceforth facilitate the study of the Jews' legal position in the Austrian-Hungarian countries and will go to show that in spite of local differences legislation is generally uniform, that the laws of one place have influenced those of another, the outcome being in this case a rather low level of human rights. He closes with the opportune wish that this work, being written in the service of humanity and truth, the progressive culture of the twentieth century may at last lead man to be man and brother despite everything.

A. M. WERGELAND.

The Rationale of Fire Rates. By A. F. DEAN. Chicago: J. M. Murphy, 1900. 12mo, pp. xiii + 225.

Fire-Rating as a Science. By the same. Chicago: J. M. Murphy, 1900. 12mo, pp. xii + 216 + ix.

FIRE insurance has been characterized as a magnificent system of guess-work. Only through the combined efforts of insurance men like Mr. Dean can this branch of insurance be rescued from the chaotic state in which its past history is enveloped and raised to the level of scientific methods, if not to the rank of a science. It is hardly profitable in this place to enter upon a discussion of the question, Can fire insurance be made a science? Life insurance is a science; but every man must die; no building must burn.

The two volumes under review constitute important and valuable additions to the literature of fire insurance. Experience and reflection are mingled thoroughly in the vigorous discussion of the wide range of subjects with which the author deals. Both volumes are interesting and abound in illustrations and parallelisms. To be sure there are times when Mr. Dean carries his parallelisms, analogies, and antitheses to the point of doubtful utility, as when, for instance, he compares "bug" with "thug," in the first volume; and in Part I of the second volume he introduces extraneous material, the necessity for which is not always apparent. But these are matters of secondary importance